

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIMON J. BURCHETT PHOTOGRAPHY, INC.,

Plaintiff,

v.

SEEKING ALPHA, INC.,

Defendant.

Case No. 20 CV 07634 (JPO) (DCF)

JUDGMENT

WHEREAS, on September 17, 2020, plaintiff Simon J. Burchett Photography, Inc. (“Plaintiff”) filed this action seeking injunctive relief and damages for defendant Seeking Alpha, Inc.’s (“Defendant”) alleged publication of two photographs claimed by Plaintiff;

WHEREAS, Defendant denied liability and sought a bond via motion, which this Court granted on October 7, 2020;

WHEREAS, on October 8, 2020, Defendant served on Plaintiff an Offer of Judgment Pursuant to Federal Rule of Civil Procedure Rule 68 for two thousand five hundred (\$2,500) U.S. dollars, inclusive of all costs and attorneys’ fees (the “Rule 68 Offer”), for the purposes specified in Rule 68 and not as an admission of liability or that Plaintiff has incurred any damages; and

WHEREAS, Plaintiff accepted the Rule 68 Offer via notice on October 18, 2020.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
as follows:

1. Full and final judgment shall be entered pursuant to the terms of Defendant’s Offer of Judgment Pursuant to Federal Rule of Civil Procedure Rule 68 and Plaintiff’s acceptance thereof.

2. Apart from the settlement amount set forth in the Rule 68 Offer, Plaintiff shall take nothing further by way of its Complaint against Defendant.

3. All parties waive their right to appeal by the acceptance of the Rule 68 Offer.

4. There being no just cause for delay, the Clerk is ordered to enter this judgment forthwith.

IT IS SO ORDERED.

DATED: October 22, 2020
New York, New York



J. PAUL OETKEN
United States District Judge